

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Aco Simonoski,

Case No. 1:16CV2981

Petitioner

v.

**ORDER**

Brigham Sloan, Warden,

Respondent

This is a state prisoner's habeas case under 28 U.S.C. § 2254.

Petitioner Aco Simonoski pleaded guilty in the Common Pleas Court of Cuyahoga County, Ohio, to the attempted murder of his wife and the felonious assault of his daughter. The trial court sentenced him to 18 years in prison, and the state appellate court affirmed the convictions and sentence. *State v. Simonoski*, 2013-Ohio-1031 (Ohio App. 2013).

Simonoski then filed a habeas petition in this court that raises five claims. (Doc. 1).

Pending is Magistrate Judge Parker's Report and Recommendation, which recommends that I dismiss the petition because it is untimely and because Simonoski's claims lack merit. (Doc. 9). The Magistrate Judge ordered Simonoski to file any objections by October 2, 2018, but that deadline has passed without a filing from Simonoski.

Because Simonoski did not file an objection, he forfeited his right to de novo review of the R&R. *Amison v. Legg*, 2015 WL 853526, \*1 (N.D. Ohio 2015) (Lioi, J.).

In any event, I concur in Magistrate Judge Parker's finding that the petition is untimely by more than two years and that Simonoski is not entitled to equitable tolling. (Doc. 9 at 11). I

likewise concur in the Magistrate Judge's recommendation that Simonoski's claims are either non-cognizable or meritless. (*Id.* at 18–31).

It is, therefore,

ORDERED THAT:

1. The Magistrate Judge's Report and Recommendation (Doc. 9) be, and the same hereby is, adopted as the order of the court;
2. The petition for a writ of habeas corpus (Doc. 1) be, and the same hereby is, denied; and
3. No certificate of appealability will issue.

So ordered.

/s/ James G. Carr  
Sr. U.S. District Judge